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**United States District Court
Northern District of California**

Peter Siegel,

Plaintiff,

vs.

Hewlett-Packard Company,

Defendant

)
) Case No: 5:12-cv-03787 HRL
)

) **SUPPLEMENTAL DECLARATION OF**
) **PETER SIEGEL IN OPPOSITION TO**
) **MOTION FOR SUMMARY JUDGEMENT**
) **BY DEFENDANT HEWLETT PACKARD**
)
)

1. I, Peter Siegel, am the Plaintiff in this action. I make the following declaration under penalty of perjury in support of the Plaintiff's Opposition to the Motion for Summary Judgment (MSJ) filed by Defendant Hewlett Packard Company (HP) in the above-entitled action. This declaration is to supplement my declaration filed in this matter on or about August 7, 2013. I have personal knowledge of the matters set forth herein and can testify competently thereto.

2. While I was employed there HP maintained employee benefit plans that covered employees of multiple entities within the organization. There was a performance bonus plan established by Hewlett Packard for which I was eligible which covered employees of the HP organization worldwide including employees of Hewlett Packard Company. There was an HP stock option plan established by Hewlett Packard Company for which I was eligible that covered employees of the HP organization worldwide including employees of Hewlett Packard

1 Company. It was my understanding that the employee benefit plans that were specific to the UK
2 included at least employees of the other HP subsidiaries in the UK. This is a subject as to which
3 my attorney has tried to do discovery including depositions. A deposition on the subject of the
4 employee benefit plans is needed to properly respond to this motion.

5 3. HP maintained an HR website where I could go as an employee to obtain human
6 resources information such as employee benefit plans, HR policies, rules applicable to
7 employees that the like. I was able to access benefit plans, HR policies, and rules that applied to
8 all employees globally as well as any minor differences that were placed on different countries,
9 not operating companies.

10 4. While employed by HP I was required to keep track of my time spent working for
11 customers for billing and accounting purposes. I was required to report my time by accessing an
12 HP software application and entering my time. The software application was one that was
13 established and operated on an organization wide basis. The same software application was used
14 by employees of multiple entities within HP. I believe it was used by employee of Hewlett
15 Packard Company.

16 5. HP uses the same logo throughout all its operations including for HP Enterprise
17 Services UK Limited. Defendant uses the shorthand name HP to refer to its overall organization
18 as a single integrated whole. Services to multi-national customers, such as Aon insurance, are
19 provided on a global basis and the accounts are centrally managed. The overall HP organization
20 is divided into functional business units and the divisions are based on the type of product or
21 service each unit specializes in, rather than subsidiary corporate entities or location. The business
22 units operate internationally and without regard to the corporate entities which may be created
23 within the HP organization.

24 6. A number of EDS employees were terminated during the period of merger of the
25 HP and EDS workforces from approximately 2008 through 2010. The employees whose jobs
26 were eliminated were provided by HP with assistance in finding positions elsewhere. Some were
27 transferred to other HP organizations. Others were given assistance in finding positions with
28

1 other employers. Other employees had their job titles and duties altered to fit within the HP
2 organization. My own job title and job description was changed to fit within the HP standard.

3 7. HP encourages and engages in cross selling of its products and services even
4 though these cross over both corporate lines and even business unit lines. HP conducts training
5 for employees and conferences for customers on a multinational basis without regard for
6 corporate entities in the various countries. An example is the HP Discovery conference given at
7 various locations around the world and in the US to service its multinational customers.

8 8. In reports filed with the UK government for HP Enterprise Services UK Limited
9 stated that it “is a subsidiary of Hewlett-Packard Company and is dependent on this parent
10 company for the supply of products/services and for its brand strength.” See Response to
11 Request for Admissions no. 1, 2, 3 and Exhibit A to Response to Request for Admissions page 3,
12 Exhibit B to Response to Request for Admissions page 3, Exhibit C to Response to Request for
13 Admissions page 3.

14 9. Business forms and reporting systems were uniform throughout the HP
15 organization. They were used by all subsidiaries including the one I was assigned to.

16 10. All HP employees use the same e-mail format and system. My e-mail address
17 while employed at by HP was peter.siegel@hp.com. I received messages from HP managers in
18 California encouraging me and other HP employees to think of HP as one family. I have tried
19 through discovery in this matter to obtain copies of all e mails sent to and from my e mail
20 address which would prove this point. However I have not been able to obtain these e mails.

21 11. HP provides centralized training of employees and sets performance standards
22 and goals which apply to employees of HP Enterprise Services UK Limited. HP sets health and
23 safety standards for employees of HP Enterprise Services UK Limited. HP sets diversity and
24 discrimination policy throughout the HP family of companies including HP Enterprise Services
25 UK Limited. HP sets commitments to employees as well as employee initiatives and
26 performance indicators. As an employee of HP Enterprise Services UK Limited I was given an
27 HP Global policies handbook with policies applicable to all HP employees worldwide including
28 those at HP Enterprise Services UK Limited. There is an HP Global Ethics group, which is part

1 of Hewlett Packard Company, to which employees of all the subsidiaries including HP
 2 Enterprise Services UK Limited are to report ethical violations. It is my understanding that the
 3 Global Ethics group investigates such complaints regardless of the subsidiary involved. HP
 4 maintains a centralized Ethics and Compliance office in the US that oversees employee issues
 5 worldwide including employees assigned to HP Enterprise Services UK Limited.

6 12. a. As set out in an annual report filed by HP Enterprise Services UK Limited
 7 with the UK government:

8 “All employees' training and development is supported by continuing on-service
 9 education. Employees who have completed minimum periods of service are eligible to
 10 join both the company performance bonus and share purchase schemes of the Hewlett-
 Packard Company.

11 Hewlett-Packard's goal is to create health and safety practices and work environments
 12 that enable employees to work injury-free. ...

13 The company believes that a diverse workforce encourages creativity and motivation and
 14 helps build an exciting, stimulating work environment a diverse workforce, reflecting the
 demographics of the many different markets where Hewlett-Packard [HP] operates, also
 provides a competitive advantage and helps acquire new business.

15 Hewlett-Packard Company, for which HP Enterprise Services UK Limited is a
 16 subsidiary, publishes an annual corporate responsibility report where detailed
 17 companywide employee commitments, initiatives and key performance indicators can be
 18 found.” See Response to Request for Admissions 1, 2, 3 and Exhibit A to Response to
 Request for Admissions page 4, and Exhibit B to Response to Request for Admissions
 page 5, Exhibit C to Response to Request for Admissions page 6.

19 13. HP specifically sets policy for the treatment of disabled employees, the basis for
 20 the instant complaint. HP sets employment policies and standards for HP Enterprise Services UK
 21 Limited. Employees of for HP Enterprise Services UK Limited are eligible to participate in HP
 22 employee benefit plans. HP sets ethical standards applicable to HP Enterprise Services UK
 23 Limited.

14. As the undersigned, I hereby declare under penalty of perjury that the content of the forgoing 13 numbered paragraphs is true and correct to the best of my knowledge. As to those matters stated on information and belief I believe them to be true.

Dated this 12th _day of August, 2013

Peter Siegel

1 14. As the undersigned, I hereby declare under penalty of perjury that the content of
2
3 those matters stated on information and belief I believe them to be true.

5 Dated this 12th day of August, 2013

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Peter Siegel